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**From:** Miyamoto, Faith  
**To:** 'Ted.Matley@dot.gov'  
**CC:** Spurgeon, Lawrence; 'aranda@infraconsultllc.com'; Souki, Jesse K.  
**Sent:** 8/27/2009 6:05:00 PM  
**Subject:** FW: email on 106 mitigation issues  
**Attachments:** Section 106 Consulting Parties Attendance.xls; Section 106 CP Mail List.xls

Hi Ted –

Attached are the mailing lists that have been used to communicate with the Section 106 Consulting Parties. The attendance sheets have been used to email information. We have been using the U.S. mail to send information to the others.

I just have the following comments on your position paper:

1. Main Street Program – I was under the impression that what was being requested was the City undertake coordination of the Main Street Program; provide technical and possibly financial assistance to the Main Street organizations.
2. Restoration of Historic Irwin Park – SHPD Administrator recognizes that Irwin Park is not under our control to restore.
3. Architectural Historian – SHPD wants architectural historian to be on TOD planning staff. TOD planning is being done by a separate City department, Department of Planning and Permitting. RTD would probably have an architectural historian on staff (could be consultant) to ensure that stipulations are implemented.

Let me know if you need anything else.

Faith

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**From:** Ted.Matley@dot.gov [mailto:Ted.Matley@dot.gov]  
**Sent:** Thursday, August 27, 2009 11:20 AM  
**To:** Miyamoto, Faith; Spurgeon@pbworld.com  
**Subject:** email on 106 mitigation issues

Faith, I've been told we should email the consulting parties with our comments directly from FTA so it's clear it's FTA talking. Can you somehow send me the consultation group complete email list?

FYI, this is what we is below. Let me know if I've got some errors in fact on the proposed measures. Thanks!

Ted

*As requested by the consulting parties, FTA has reviewed and considered the outstanding mitigation proposals as submitted.*

*In general, mitigation should be related to specific, identifiable impacts of the project, and the mitigation measures should be directly related to the scale and scope of that impact. The identification of general or speculative impacts should be avoided, as should open ended mitigation commitments that are unclear in both their impact and cost. While all parties share a concern to mitigate negative impacts of the project, we also share a responsibility to be responsible stewards of the public transportation resources allocated for the project.*

*On the specific proposals:*

1. *City Historic Preservation Program - FTA believes this is not an eligible expense as it is too broad in scope and unclear in impact.*
2. *Main Street Program – Appropriate where project funds are provided for very specific revitalization projects where adverse impacts on the historic business district or buildings have been identified and where the revitalization cost is roughly commensurate with the adverse impacts of the project.*
3. *Restoration of Historic Irwin Park – Some element of the restoration could be considered if directly related to the impact of the project on the park. A restoration effect could also be related to the mitigation of*

*project impacts on other parks in the same general area.*

- 4. Rehabilitation Fund for Historic Resources - Similar to the Main Street program, this could be appropriate where project funds are provided for very specific revitalization projects where adverse impacts on the historic business district or buildings have been identified and where the revitalization cost is roughly commensurate with the adverse impacts of the project.*
- 5. Architectural Historian on TOD/Planning Staff – An architectural historian should be employed, either by the City or the City's contractor, during final design and construction. If employed by the City this individual may be employed to work on historic resources issues related to development that occurs in station areas where the project is having an adverse effect. However this position would terminate with the completion of project related activities.*
- 6. Preservation/restoration outside the APE – The APE should have been drawn broadly enough to capture impacts. As noted above, some project resources may be applied in specific cases such as the preceding case of the use of the architectural historian.*

*FTA encourages all parties to continue the consultation process and to work to further clarify specific impacts and to develop creative and directed mitigation solutions that are clearly and proportionally related to the project impacts. We look forward to the discussion at the next meeting.*

*Ted M Matley  
FTA Region IX  
201 Mission Street, Suite 1650  
San Francisco, CA 94105  
(415) 744-2590  
fax (415) 744-2726  
ted.matley@dot.gov*